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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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BRINKS HOFER GILSON & LIONE
INFINEON
PO BOX 10395
CHICAGO, IL 60610

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OFFICE OF PETITIONS

In re Application of :
Hoehler : DECISION ON APPLICATION FOR
Application No. 10/674,905 : PATENT TERM ADJUSTMENT
Filed: September 30, 2003 :
Atty. Dkt. No.: 2002P16866US :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" timely filed October 18, 2004 (certificate of mailing date of October 14, 2004).

The application for patent term adjustment ("PTA") under 37 C.F.R. § 1.705(b) is hereby GRANTED.

The PAIR screen will continue to reflect a Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of zero days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants do not argue that the overall adjustment of zero days as of the time of allowance is correct. Applicants do, however, contest the 10 days of reduction of adjustment for applicants delay and argue that there was no failure to engage in reasonable efforts to conclude prosecution by applicant.

A review of the application history reveals that there were no adjustments for Office delays at the time of allowance.

The Office, however, errantly entered April 8, 2004 as the date a response to the Notice to File Missing Parts of Nonprovisional Application was filed. The Notice was mailed December 29, 2003 and a proper response was in fact timely submitted on March 29, 2004.

In view thereof, at the time of Notice of Allowance there were no delays by either the Office or applicant, resulting in a PTA of zero days.

The Office acknowledges receipt of the required application fee of \$200.00.

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Karin Ferriter
for

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy